IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 3RD JULY 2007 / 12TH ASHADHA 1929

CRL.A.No. 707 of 2001()

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ST.1011/1998 of JUDL. MAGISTRATE OF FIRST CLASS COURT, IRINJALAKUDA
CRL.M.C NO.4085/2001 DATED 26/6/2001

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APPELLANT:

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P.C.GEORGE, POOVATHUKARAN HOUSE, CHETTIPARAMBU, IRINJALAKUDA

BY ADV. SRI.P.B.SAHASRANAMAN
SRI.T.S.HARIKUMAR

RESPONDENTS:

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1. SASIDHARAN, S/O.THAIVALAPPIL SREEDHARAN, THELAPPILLY, MADAIKONAM, THRISSUR DISTRICT.

2. STATE OF KERALA, REPRESENTED BY ITS PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI C.K.SURESH

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 03/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**K.R.UDAYABHANU, J.**

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Crl.A.No.707 of 2001(C)

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Dated this the 3rd day of July, 2007

**J U D G M E N T**

The appellant is the complainant in S.T.No.1011/1998 in the file of the Judicial Magistrate of First Class Court, Irinjalakuda, the proceedings initiated under Section 138 of the Negotiable Instruments Act. The accused was acquitted under Section 256(1) of the Code of Criminal Procedure. It is submitted that the lapse was occasioned on account of the wrong noting of the posting date.

In the circumstances, the order of acquittal is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the case on merits. The appellant shall appear before the court below on 02/08/2007. The court below shall issue fresh summons to the accused.

The appeal is allowed.

**K.R.UDAYABHANU,**
**Judge**

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**K.R.UDAYABHANU, J.**

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Crl.A.No.707 of 2001(C)

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**J U D G M E N T**

3rd July, 2007